

REMARKS

The Office examined claims 1-14 and 16-25, and all claims are rejected. With this response claims 1, 7-8, 13 and 21 are amended to particularly point out and distinctly claim the invention. All amendments are fully supported by the specification as originally filed.

Applicant respectfully requests reconsideration of the rejections in light of following discussion. The independent claims are claims 1, 13, 16, 21 and 24.

Claim Rejections Under § 103

In section 2, on page 2 of the Office Action, claims 1-14 and 16-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Rachabathuni et al. (U.S. Patent No. 6,628,938) in view of Focsaneanu et al. (U.S. Patent No. 5,828,666). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, alone or in combination, because the cited references at least fail to disclose or suggest that the configuration of an application on the terminal device may be adapted in accordance with obtained properties of a data connection, wherein the configuration relates to use of the data connection by the application. Furthermore, Rachabathuni fails to disclose or suggest obtaining properties related to at least one of a number of different types of data connection, as recited in claim 1. Focsaneanu does not make up for the deficiencies in the teachings of Rachabathuni identified above, and therefore the cited references fail to disclose or suggest all of the limitations recited in claim 1.

In contrast to claim 1, Rachabathuni teaches a method of selecting an application in a wireless device based on messages received from a wireless station specific to services provided by the wireless station. See Rachabathuni Abstract. Application specific messages are received at the wireless device, and then it is determined if an application is present on the device that corresponds to an application specific identifier included in the message. In the application selection method taught by Rachabathuni, it is an object of the method to check the availability or desirability of running an application. See Rachabathuni column 2, lines 18-20. In Rachabathuni, the selection of which application to run in a wireless device is based on a signal from a wireless station, for example the wireless stations can be wireless beacons 5 that continuously broadcast beacon signals. See Rachabathuni column 5, lines 64-65. In response to a beacon signal, the wireless device determines if the application identified by the beacon signal is active. See Rachabathuni column 6, lines 29-30. The inactive application may be activated if

desired, and received data may then be passed to the activated application, however the configuration of the application is unaffected. See Rachabathuni column 6, lines 34-37. Rachabathuni focuses on selecting applications in wireless devices i.e. whether an application is present on the device, and does not disclose or suggest adapting the configuration of an application on a terminal device in accordance with properties of at least one data connection, where the configuration relates to use of the data connection as recited in claim 1. Furthermore, not even the activation of the application is based upon obtained properties of at least one data connection, because Rachabathuni does not discuss activation of the application with respect to the type of data connection. In addition, application specific messages only pertain to different messages actually transmitted, and do not represent a property of a data connection. The system disclosed by Rachabathuni has the effect of causing wireless devices to quickly change applications, but the configuration of an application on a terminal device is not adapted in accordance with properties of at least one data connection, as recited in claim 1. See Rachabathuni column 2, lines 57-60.

Furthermore, Rachabathuni does not disclose or suggest obtaining properties related to at least one of a number of different types of data connections, as recited in claim 1. The Office seems to assert that roaming of the wireless device corresponds to obtaining properties of data connections. See Rachabathuni column 5, lines 54-62. Roaming at most relates to a property or characteristic of the wireless device, i.e. the geographic location of the wireless device relative to wireless beacons. However, roaming is not a property of a data connection, and therefore Rachabathuni does not disclose or suggest obtaining properties related to at least one of a number of different types of data connections, as recited in claim 1. Focsaneanu also fails to disclose or suggest obtaining properties related to data connections. Focsaneanu at most discloses that a controller analyzes the contents of a data connection request to identify the services requested. See Focsaneanu column 8, lines 11-16. Analyzing the contents of a data connection request is not the equivalent of obtaining properties of at least one data connection, because only the contents of the request are analyzed. Therefore, for at least the reasons discussed above the cited references fail to disclose or suggest all of the limitations recited in claim 1, and claim 1 is patentable over the cited references, alone or in combination.

Claims 2-12 ultimately depend from independent claim 1, and are patentable over the cited references at least in view of their dependencies. Furthermore, with respect to claims 2-5

and 9 contrary to the assertions of the Office, Rachabathuni does not disclose or suggest that a property of a connection is an identification thereof. The application specific identifiers of Rachabathuni identify an application specific message, not a connection. Therefore, the same message may be transmitted by different data connections, but the identifier in the message cannot identify a connection. In addition, with respect to claims 6-8, while Rachabathuni discloses that an inactive application may be started by an application specific message after the application specific identifier is evaluated, no applications are adapted with respect to their configuration, neither inactive nor active ones. Therefore, for at least these additional reasons, claims 2-9 are not disclosed or suggested by the cited references.

Independent claim 13 contains limitations similar to those recited in independent claim 1, and is rejected for the same reason as claim 1. Therefore for at least the reasons discussed above in relation to claim 1, claim 13 is not disclosed or suggested by the cited references.

Claim 14 depends from independent claim 13, and is patentable over the cited references at least in view of its dependency.

Independent claim 16 is also not disclosed or suggested by the cited references, because Rachabathuni fails at least to disclose or suggest a configuration server, responsive to a selection signal, for selecting a specific data connection for at least one application, as recited in claim 16. As discussed above in relation to claim 1, Rachabathuni only teaches selecting an application in a wireless network based on a message received from a wireless station. Rachabathuni does not disclose or suggest that a specific data connection is selected for an application based on a selection signal, and instead only provides that an application is selected. Furthermore, the Office asserts on page 2 of the Office Action that Rachabathuni discloses an application server configured to download applications to the wireless device, and packet transmission protocol described therein is added data to an existing protocol. However, the application server 8 is only configured to download applications to the wireless device. See Rachabathuni column 4, lines 66-67. Downloading has nothing to do with selecting a specific data connection for at least one application, as recited in claim 1. Therefore, for at least the reasons discussed above Rachabathuni fails to disclose or suggest all the limitations recited in claim 16, and claim 16 is patentable over the cited references.

Claims 17-20 ultimately depend from independent claims 16, and are patentable over the cited references at least in view of their dependencies.

Claim 21 contains limitations similar to those recited in claim 13, and therefore for at least the reasons discussed above with respect to claim 13, the cited references not disclose or suggest all of the limitations cited by claim 21. Therefore, for at least this reason claim 21 is not disclosed or suggested by the cited references, alone or in combination, because the cited references fail to disclose or suggest all of the limitations of claim 21. Furthermore, the Office acknowledges that Rathabathuni fails to disclose or suggest a data exchanger as recited in claim 21, and relies upon Focsaneanu for this teaching. However, the “data service provider” asserted by the Office to correspond to the data exchanger recited in claim 21 cannot be the equivalent of the data exchanger, because the data service provider is only an Internet Service Provider. Claim 21 recites that the data exchanger is part of the apparatus claimed in claim 21, which includes the other components recited in claim 21. In contrast to claim 21, the data service provider is not part of a device that contains the other components recited in claim 21, because the data service provider is external to any sort of wireless device. Therefore, for at least this additional reason, claim 21 is not disclosed or suggested by the cited references, alone or in combination.

Claims 22 and 23 ultimately depend from independent claim 21, and are patentable over the cited references at least in view of their dependencies.

Claim 24 contains limitations similar to those recited in claim 16, and therefore for at least the reasons discussed above with respect to claim 16, Rathabathuni does not disclose or suggest all of the limitations cited by claim 24. Furthermore, the cited references, alone or in combination, do not disclose or suggest all of the limitations of claim 24, because the cited references at least fail to disclose or suggest means, responsive to a selection signal, for selecting a specific data connection for at least one application, as recited in claim 24. In contrast, Focsaneanu only discloses that an identifying circuit identifies a service request as either plain old telephone service (POTS) or data service. See Focsaneanu column 7, lines 65-67. The selection of a service is based upon a service request, and the service selected is not based on an application, as recited in claim 24. See Focsaneanu column 8, lines 12-15 (a controller 252 analyzes the contents of a data connection request to identify the service requested). Therefore, for at least the reasons discussed above, claim 24 is not disclosed or suggested by the cited references.


Claim 25 depends from claim 24 and is patentable over the cited references at least in view of its dependency.

Conclusion

The rejections of the Office Action having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested, and passage to issue of the present application is earnestly solicited. The undersigned believes that no additional fee is required to submit this response, but hereby authorizes the Commissioner to charge Deposit Account 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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